IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

R.S.A.No.2098 of 2007 (O&M)

Date of Decision: November 12, 2007

State of Haryana etc. .....Appellants.

Versus

Gulab Singh .....Respondent

CORAM:- HON'BLE MR.JUSTICE S. D. ANAND

Present: Mr.Narinder Sura, AAG Haryana for the appellants.

Mr.Naveen Daryal, Advocate for the respondent.

S. D. ANAND, J.

CM No.5973-C of 2007

1. Heard. For the affidavit-supported averments made in the application, delay of 14 days in filing of the appeal stands condoned. C.M. is allowed.

RSA No.2098 of 2007

2. The plaintiff-respondent joined employment of the defendant-appellants in the year 1982. His termination from service in the year 1984 was set aside by the Labour Court, vide award dated 15.5.1996. The learned State counsel, under instructions from an official present in the Court, states that a writ petition preferred by the defendant-appellants against that award was dismissed by this Court. Thus, the award passed by the Labour Court for re-instatement of plaintiff-respondent into service,

with the benefit of continuity of service, was upheld. The plaintiff-respondent was, thus, held entitled to continuity of service upto the year 1996.

3. The learned Trial Court recorded a finding of fact that the plaintiff-respondent was entitled to the regularisation of service in accord with the Haryana Government policy which was in vogue during the period of trial. That finding of fact was upheld by the learned First Appellate Court.

4. Learned State counsel argues that the policy aforementioned could not be availed of by the plaintiff-respondent to obtain regularisation as he absented for different period of time upto the year 1994. The plea raised thereby is to the effect that the policy would have been applicable only if the plaintiff-respondent had been in employment without any break in service.

5. The controversy, with regard to the validity or otherwise of the plea aforementioned, cannot be gone into by this Court as it stood adjudicated upon by the Labour Court vide award dated 15.5.1996 which (award) has attained finality in view of the fact that a writ petition preferred by appellants against that award came to be rejected by this Court.

6. In the light of foregoing discussion, it is apparent that no question of law, much less substantial in character, arises for determination by this Court. The RSA shall stand dismissed accordingly.

(S. D. ANAND)
JUDGE

November 12, 2007
SRM

Note: Whether referred to reporter ? Yes/No `